

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of JULIUS MCINTOSH III,
BRIANA MCINTOSH, DESTYNI MCINTOSH,
and JORDAN MCINTOSH, Minors.

DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

TAMMY KUKLA,

Respondent-Appellant,

and

JULIUS MCINTOSH, JR.,

Respondent.

UNPUBLISHED

February 1, 2007

No. 271883

Bay Circuit Court

Family Division

LC No. 05-008881-NA

Before: Borrello, P.J., and Jansen and Cooper, JJ.

MEMORANDUM.

Respondent Tammy Kukla¹ appeals as of right from the trial court order terminating her parental rights to the minor children under MCL 712A.19b(3)(c)(i) and (g). We affirm. This case is being decided without oral argument pursuant to MCR 7.214(E).

The trial court did not clearly err in finding that the statutory grounds for termination were established by clear and convincing evidence. MCR 3.977(J); *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989). Further, the evidence failed to support respondent's argument that termination of respondent's parental rights was clearly not in the children's best interests. MCL 712A.19b(5); *In re Trejo Minors*, 462 Mich 341, 356-357; 612 NW2d 407 (2000).

¹ Because respondent Julius McIntosh, Jr., is not a party to this appeal, all references to "respondent" refer to Tammy Kukla only.

Respondent failed to address her mental health issues and behavior through the recommended therapy. Although respondent asked petitioner and the trial court to place her children in foster care so that she could receive help to parent them, she did not take advantage of the help that was offered to her. She failed to meaningfully participate in therapy and was dismissed twice from a specialized borderline personality disorder treatment program. Respondent's behavior and conduct did not change throughout the case. She was easily angered and was unable to control her emotions even when her children were near and obviously affected by her conduct. When asked to consider how her children felt, respondent was unable to focus on their feelings and replied that no one ever considered how she felt. She never put her children first² and continued to make excuses to explain why she could not accomplish the goal of reunification. Respondent's failure to make any meaningful attempt to participate in counseling to address her mental health issues, combined with her children's special needs, supported the trial court's termination of respondent's parental rights. We find no clear error.

Affirmed.

/s/ Stephen L. Borrello
/s/ Kathleen Jansen
/s/ Jessica R. Cooper

² For example, respondent's father, Wallace Kukla, testified at the termination hearing that he did not approve of the man with whom respondent had recently been living because the man, Clete, was racist. Kukla testified that Clete kept a Confederate flag in the residence, and that Clete's son, visiting the residence, had called the minor child Julius "the n word." Although Kukla stated that he believed respondent was no longer living with Clete, nonetheless any relationship respondent had maintained or might maintain with a racist boyfriend is cause for significant pause, given that respondent's children are bi-racial.